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JUN 29 2004

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From: Mark R. Shanks
Direct Phone: 202.414.9201
Email: mshanks@reedsmith.com
Date: June 29, 2004

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Total Number of Pages Including Cover Page 10

TO Examiner Hoa Van Le
Company USPTO - Art Unit 1752
Fax 703-872-9306
Phone 571-272-1332

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NOTES:

Dear Examiner Le:

The following documents were filed at the USPTO yesterday, June 28, 2004, in response to the Restriction Requirement, dated June 4, 2004. Please review and if you have any questions, please do not hesitate to contact us.

If you do not receive all of the pages, please call Mark R. Shanks at 202-414-9200.

Please Transmit Before: ☐ 9 ☐ 10 ☐ 11 a.m. ☐ 12 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 p.m.

Client Number: 966928 Matter Number: 00002 Attorney Number: 4639
Transmission Time: a.m./p.m. Finish Time: a.m./p.m.
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Applicant: SAKAI et al
App. Serial No: 10/018,576
Filed: December 20, 2001
For: Positive Electrode Active Material for
Secondary Battery and Manufacturing
Method Thereof and Nonaqueous
Electrolytic Solution Secondary...

Docket No: 966928.00002
Attorney: Mark R. Shanks/cg
REED SMITH, LLP

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following

1. Transmittal Letter to USPTO;
2. Response to Restriction Requirement;
3. Copy of Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371;
4. Copy of return postcard receipt;
5. Copy of stub for Check No. 12327; and
6. Return postcard.



JUN 29 2004

OFFICIAL

Att'y Dkt. No.: 966928.00002
U.S. App. No.: 10/018,576

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SAKAI et al.

Appl. No.: 10/018,576

Filing Date: December 20, 2001

Title: Positive Electrode Active Material for
Secondary Battery and Manufacturing Method
Thereof and Nonaqueous Electrolytic Solution
Secondary Battery Therewith, and Recovered
Electronic Functional Material and Reproduction
Method of Electronic Functional Material

Art Unit: 1752

Examiner: LE, Hoa Van

Atty. Docket: 966928.00002

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Response to Restriction Requirement;
2. Copy of Transmittal Letter to the United States Designated/Elected Office
Concerning a Filing Under 35 U.S.C. 371;
3. Copy of return postcard receipt;
4. Copy of stub for Check No. 12327; and
5. Return postcard.

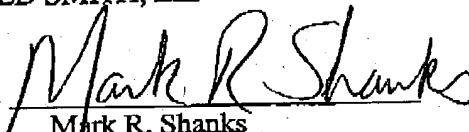
Atty. Dkt. No.: 966928.00002
Appl. Serial No.: 10/018,576

It is believed that no fees, other than those accounted for above, are required for this filing. However, the Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622.

Respectfully submitted,

REED SMITH, LLP

By:



Mark R. Shanks
Reg. No. 33,781

Date:

6/28/04
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, DC 20005

FORM PTO-1390 (Modified) (REV 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		RNEY'S DOCKET NUMBER 0277-0002	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR To Be Determined	
INTERNATIONAL APPLICATION NO. PCT/JP00/04007		INTERNATIONAL FILING DATE 20-June-2000		PRIORITY DATE CLAIMED 21-June-1999; 13-August-1999	
TITLE OF INVENTION Positive Electrode Active Material for Secondary Battery and Manufacturing Method Thereof and Nonaqueous Electrolytic Solution Secondary Battery Therewith, and Recovered Electronic Functional Material and Reproduc					
APPLICANT(S) FOR DO/EO/US SAKAI, et al.					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c) (2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input checked="" type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). 					
Items 13 to 20 below concern document(s) or information included:					
<ol style="list-style-type: none"> 13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input type="checkbox"/> A substitute specification. 18. <input type="checkbox"/> A change of power of attorney and/or address letter. 19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 20. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 22. <input type="checkbox"/> Certificate of Mailing by Express Mail 23. <input checked="" type="checkbox"/> Other items or information: <ol style="list-style-type: none"> 1) Publication of International Application, Publ. No. WO00/79621; 2) PCT Request; 3) PCT Demand; 4) Notification of Change of Address; 5) Copy of Official Filing Receipt; 6) Form PCT/IB/301; 7) Form PCT/IB/304; 8) Form PCT/IB/308; 9) Form PCT/IB/332; 10) Form PCT/IPEA/402; 11) Written Opinion; 12) Reply to Written Opinion; 13) Amendment Under Article 34 and English translation of amendments; 14) postcard. 					

U.S. APPLICATION NO. (IF KNOWN, SE. CFR To Be Determined		INTERNATIONAL APPLICATION NO. PCT/JP00/04007		ATTORNEY'S DOCKET NUMBER 0277-0002	
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24. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	31 - 20 =	11	x \$18.00	\$198.00	
Independent claims	9 - 3 =	6	x \$84.00	\$504.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>				\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$1,592.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$0.00	
SUBTOTAL =				\$1,592.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (d)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 +				\$0.00	
TOTAL NATIONAL FEE =				\$1,592.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				\$0.00	
TOTAL FEES ENCLOSED =				\$1,592.00	
				Amount to be refunded	\$
				charged	\$

a. ☒ A check in the amount of \$1,592.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0622. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

SHANKS & HERBERT
 TransPotomac Plaza
 1033 N. Fairfax Street, Suite 306
 Alexandria, Virginia 22314
 (703) 683-3600
 (703) 683-9875 (facsimile)

Mark R. Shanks
 SIGNATURE

Mark R. Shanks
 NAME

33,781
 REGISTRATION NUMBER

12/19/01
 DATE

Applicant: SAKAI, et al.
App. Serial No: To Be Assigned
Filed: Herewith

Docket No.: 0277-0002
By: Mark R. Shanks
Shanks & Herbert

For: Positive Electrode Active Material for
Secondary Battery and
Manufacturing Method Thereof and
Nonaqueous Electrolytic Solution
Secondary Battery Therewith, and
Recovered Electronic Functional
Material and Reproduction Method of
Electronic Functional Material

10/018576

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following:

1. Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371;
2. Published International Application, Publication No. WO00/79621 and English translation;
3. International Search Report;
4. International Preliminary Examination Report;
5. PCT Request;
6. PCT Demand;
7. Amendment Under Article 34, with English translation of Amendments;
8. Notification of Change of Address;
9. Copy of Official Filing Receipt;
10. Form PCT/IB/301; Form PCT/IB/304; Form PCT/IB/308; Form PCT/IB/332; Form PCT/IPEA/402;
11. Written Opinion

12. Reply to Written Opinion;
13. Check in the amount of \$1,592 (filing fee); and
14. Two (2) return postcards.

10/018576

JC14 Rec'd PCT/PTO 20 DEC 2001

06/29/2004 13:15 FAX

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SHANKS & HERBERT
USPTO

12/20/2001

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1,592.00

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